

AMENDED

**BROKEN ARROW CITY COUNCIL
AGENDA
COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA 74012**

December 2, 2008

6:30 PM

- 1. Call to Order**
- 2. Invocation**
- 3. Roll Call**
- 4. Pledge of Allegiance to the Flag**
- 5. Consideration of Consent Agenda**
 - A. Approval of the regular meeting minutes of November 18, 2008
 - B. Acceptance of the minutes of the Planning Commission meeting held November 6, 2008
 - C. Ratification of a proclamation declaring November 20, 2008 as "Miss Ethel Deonier Day" in the City of Broken Arrow
 - D. Approval of temporary street closure, Section 21-3, for the Broken Arrow High School Band to practice for their Rose Parade appearance
 - E. Approval of and authorization to execute a Parks and Recreation Use Agreement between the City and the Broken Arrow Amateur Basketball Association (BAABA), for use of the Central Park Community Center gymnasiums and the Nienhuis Park Gymnasiums for a youth basketball program, from the date of execution through March 31, 2009
 - F. Approval of and authorization to execute a Parks and Recreation Use Agreement between the City and the Broken Arrow Genealogy Society, for use of space in the Broken Arrow Historical Museum, from the date of execution through October 31, 2009
 - G. Approval of a Letter Agreement memorializing satisfaction on the terms of a Memorandum of Understanding providing for the dedication of right-of-way and temporary construction easements, drainage structures and relocation of a Conoco-Phillips Pipeline in Section 35, Township 19 North, Range 14 East between the City of Broken Arrow and Mr. John A. Davis, Jr., E. A. Schermerhorn and Mr. Jack Wright dated August 3, 2004
 - H. Approval of and authorization to execute Amendment No. 1 to Architect-Engineer Contract No. 051708 with Mike Hughes Architects, PC, for design of the Broken Arrow Conference Center
 - I. Approval of Policy for Take Home Vehicles
 - J. Approval of bids received and award of the most advantageous bid to Washington Electronics for the purchase of Whelen outdoor warning sirens and parts

- K. Approval of PT08-119, Conditional Final Plat for Williams Brothers Constructors Park Amended, 13.93 acres, 1 lot, I-L(BAZ 1334), one-half mile east of Olive Avenue (129th East Avenue), south of Albany Street (61st Street)
- L. Approval of PUD 194 & BAZ 1819, 1.02 acres, A-1 to IL, one-half mile east of the southeast corner of Evans Road (225th East Avenue) and Kenosha Street (71st Street) at 22700 East 71st Street
- M. Acceptance of a Drainage Easement from Schermerhorn, Starlight Investments, Davis (S35 T19N R14E)(Project: 9th St Widening Albany to Omaha)
- N. Acceptance of a Deed of Dedication and a Utility Easement from Memorial Drive LLC (S35 T19N R14E)(Project: BAL-966 Schermerhorn Lot Split)
- O. Acceptance of a Deed of Dedication and two Utility Easements from Schermerhorn, Starlight, Davis (S35 T19N R14E)(Project: Bal-966 Schermerhorn Lot Split)
- P. Acceptance of a Deed of Dedication from William & Joyce Lewis (S17 T18N R14E)(Project #STO522)
- Q. Approval of the Claims List

6. Consideration of Items Removed from Consent Agenda

7. Public Hearings, Appeals, Presentations, Recognitions, Awards and Oaths

- A. Presentation: Approval of and authorization to execute and present Humanitarian Proclamations to outstanding corporations and individual citizens

8. Citizens' Opportunity to Address the Council on General Topics Related to City Business or Services (approximately 7:00 p.m.)

9. General Council Business

- A. Consideration and possible approval of BACP 96, Elm Ridge Crossing, 28.54 acres, A-I, Level 2 to Level 4, southeast corner of Elm Place (161st East Avenue) and Omaha Street (51st Street)
- B. Consideration, possible approval of and authorization to execute Resolution No. 556, a resolution declaring that the protests to the improvements to the stormwater systems of Steeplechase Farms and Amended Glen Eagles were insufficient, expressing the determination of the Council to proceed with the improvements and requiring the engineer to submit and file detailed plans, profiles, specifications, and estimates of probable cost
- C. Consideration and possible approval of nominations to fill vacancies on the Downtown Advisory Board created by the resignations of Fred Dorrell, whose term expires October 2011; Roy Sturgeon, whose term expires October 2009; and Lauri Hancock whose term expires October 2009
- D. Consideration and possible appointment of a Planning Commission member to a review committee to consider a project and a tax increment district under the Local Development Act and submission of seven citizens to represent the public at large
- E. Consideration of and authorization to execute an Option to Purchase a 15-Acre Tract of Land for the Festival Park

10. City Manager's Report

- A. Contractor Escrow/Deposits - Additional Information

11. Preview Ordinances

- A. An ordinance amending Chapter 23, Article I, Section 24.1 of the Broken Arrow Code pertaining to Leaving the scene of an accident; repealing all ordinances to the contrary; and declaring an emergency

12. Ordinances

- A. Ordinance No. 2996 - an ordinance amending Chapter 16, Article I, Section 16-22, Reserved, of the Broken Arrow Code to Alcohol Related Offense Fee; repealing all ordinances to the contrary; and declaring an emergency
- B. Ordinance No. 2997 - an ordinance amending Chapter 3, Article VI, Section 3-91, of the Broken Arrow Code, Smoking Prohibited within Municipal Buildings, municipal vehicles and on municipal equipment; repealing all ordinances to the contrary and becoming effective January 2, 2009

13. Remarks and Inquiries by Governing Body Members

- 14. Executive Session** for the purpose of confidential communications between the City Council, the City Manager, the Assistant City Manager and the City Attorney for the purpose of conferring on contract negotiations concerning the FOP and CWA employee group under 25 O.S. § 307(B)(2), and litigation concerning City of Broken Arrow v. Troy Dwight Cospers and Joyce Marie Cospers, et al., Tulsa County District Court Case Number CJ-2007-6992, City of Broken Arrow v. Tommy J. Donathan, et al., Tulsa County District Court Case Number: CJ-2007-7894; City of Broken Arrow v. Stacy L. Heller, a single person, et al and Perry Pribble v. City of Broken Arrow, U.S. District Court Case Number 08 CV 147 GKF SAJ, all under 25 O.S. § 307(B)(4). In the opinion of the City Attorney, the Council is advised that disclosure will seriously impair the ability of the public body to process the pending litigation in the public interest. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.

15. Adjournment

NOTICE: All cell phones and pagers must be turned OFF or operated SILENTLY during Council meetings.

Exhibits, petitions, pictures, etc., presented to the authority shall be received and deposited in case files to be kept at the Broken Arrow City Hall.

If you are a person with a disability and need some accommodation in order to participate in this meeting, please contact the City Clerk at 918-259-2400 Ext. 5418 to make arrangements.

POSTED this ____ day of _____, 2008, at _____ a.m./p.m.

City Clerk